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Paper No. 7

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**OCT 23 2002**

**OFFICE OF PETITIONS**

In re Application of  
Michael Yeung, Brad Emerson,  
Peter Tran and Louis Ormond  
Application No. 10/054,513  
Filed: November 13, 2001  
Attorney Docket No. 66329/07257  
Title: METHOD AND SYSTEM FOR  
WIRELESS INTERFACING OF ELECTRONIC  
DEVICES

DECISION ACCORDING STATUS  
UNDER 37 C.F.R. §1.47(a)

This is in response to the "Request for Reconsideration of  
Petition under 37 CFR 1.47(a)," filed October 17, 2002.

The petition is **GRANTED**.

The above-identified application was filed on November 13, 2001, without an executed oath or declaration. Michael Yeung, Brad Emerson, Peter Tran and Louis Ormond were named as joint inventors. In response to a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed February 21, 2002, applicants timely filed the initial petition under § 1.47(a), along with a declaration executed by joint inventors Yeung, Tran and Ormond on behalf of themselves and on behalf of nonsigning joint inventor Emerson. However, this petition was dismissed for failure to show that inventor Emerson could not be found or reached, after diligent effort, to join in the application.

On instant request for reconsideration, applicants submitted the following additional evidence to show the unavailability of nonsigning inventor Emerson: the cover letter transmitting the declaration and assignment to inventor Emerson at his last known address; the certified mail return receipt for the letter; the envelope showing that the certified mail went unclaimed and that the USPS provided no forwarding address; the search page for www.switchboard.com; and a statement of facts of coinventor Yeung detailing the exact facts relied upon to establish the diligent efforts made to secure execution of the declaration by inventor Emerson.

This additional evidence has been considered and found sufficient to show diligent efforts to reach inventor Emerson to join in the

application. However, petitioner is advised in this regard that the internet search page was not persuasive evidence as it did not evidence the results of any search. Nonetheless, a search by the Office for inventor Emerson on www.lexis.com at source EZCombined Person Locator Nationwide yielded results consistent with a conclusion that to attempt to reach inventor Emerson at the last known address identified by petitioner was reasonable. (It was unclear whether other addresses associated with a Brad Emerson were prior or subsequent addresses, if correct). Furthermore, consistent with a conclusion that the last known address was as identified by applicants, the mailing to inventor Emerson was designated by USPS as "unclaimed" not "Return to Sender: Address Unknown," and no "forwarding address" was noted.

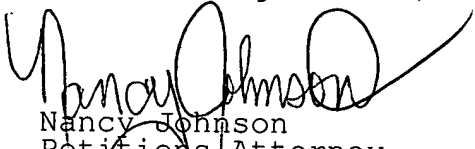
The declaration filed August 21, 2002; and the petition have been reviewed and are now found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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COSTA MESA, CA 92667

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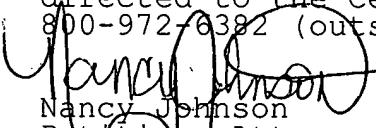
LETTER

Dear Mr. Emerson:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Nancy Johnson  
Petitions Attorney  
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